

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRET A. LEWIS, et al.,

Plaintiffs,

Case No. 1:07-CV-639

v.

HON. ROBERT J. JONKER

UNITED JOINT VENTURE,

Defendant.

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**ORDER**

Defendant's motion for summary judgment on Plaintiff's complaint (docket # 45), Plaintiffs' motion for summary judgment on Defendant's counterclaims (docket # 46), and Defendant's motion to compel production of Plaintiffs' tax returns (docket # 50) all came up for hearing on August 26, 2008. Based on the written and oral arguments of the parties and on all matters of record, and for the reasons articulated at the hearing,

**IT IS ORDERED** that:

1. Defendant's motion for summary judgment (docket # 45) is DENIED.
2. Plaintiffs' motion for summary judgment (docket # 46) is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED with respect to Defendant's unjust enrichment claim. Accordingly,

Count IV of the counterclaim is DISMISSED. The motion is DENIED in all other respects.

3. Defendant's motion to compel production of Plaintiff's tax returns (docket # 50) is GRANTED. Plaintiff shall produce the requested returns within two weeks of the entry date of this Order. The Court finds under Rule 37(a)(5)(A) that an award of costs is not warranted in this instance.

**IT IS FURTHER ORDERED** that no later than September 5, 2008, the parties shall notify the Court of their ADR preference.

Dated: August 28, 2008

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE